



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,746	01/26/2004	Steven J. Dimig	87801-9004-01	8758
23409	7590	11/29/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/764,746

Applicant(s)

DIMIG ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 25-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/20/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 1, line 4, the status of the first listed parent application should be updated.

Appropriate correction is required.

Claims 1-24 are objected to because of the following informalities: The scope of the claims is unclear, as to what is being claimed by "positions" in claim 1, the last paragraph, as well as the dependent claims. It is not understood if the claiming of "positions" is referring to different space within the latch assembly which is capable of being occupied by at least one control element as it moves between different positions, or if the claiming of positions is referring to different mounts within the latch assembly which is capable of mounting a control element. It is noted that no such mounting pivot or structure is being claimed in claim 1. Claim 2, line 5 is unclear as to whether a second control element is being positively claimed, or if the claim is only referring to the capability of the latch assembly to receive a second control element. In claim 2, lines 2-3, 4 and 5, there is no antecedent basis for "the latch". In claim 3, line 2, "the control element" is unclear, since as set forth above, it is not clear if two control elements are being claimed in claim 2. See claim 7, line 2 and claim 12, line 2 also. In claim 4, line 4, it is not clear if a second control element is being positively claimed, or only inferentially claimed. In claim 5, line 3, "interchangeable" should read --interchangeably--. Appropriate correction is required.

In view of the above claim objections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by the EP reference (644).

The EP reference teaches a modular latch assembly including at least one control element 26, space within the housing of the latch assembly which is capable of receiving the control element in one position as seen in fig. 3A, and a second position when the control element is actuated by the capable 16. The control element 26 has a first state in the fig. 3A condition wherein the control element has a first path of motion, and a second state in fig. 3C wherein element 36 creates a second path of motion of control element 26. It is also noted that the claiming of “positions” and “modes” in claims 1 and 2 are broad limitations, and are regarded as taught by the EP reference. Each one of these two positions of the control element 26 defines a different mode, as claimed in claims 1 and 2. The input element 16 is capable of being interchangeably coupled to a second control element at 38 or at 50 in fig. 3A. The EP reference also teaches a pawl 30, a ratchet 24, a first user-input element 16, a user-operable device 92 cooperable with the input element 16, a second control element at 38 or 50, 40, a bell crank 40, cam surfaces 36, 44, a second input element (key cylinder) or the rod connected to slot 38 (column 3, line 25), a second user-operable device (the key for the lock cylinder), or the handle for the rod of slot 38, an engagement element 38.

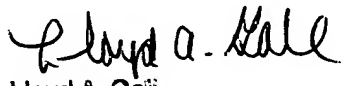
Art Unit: 3676

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG  
November 22, 2005

  
Lloyd A. Gall  
Primary Examiner